

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
)	NO. 05-CR-10102 JLT
)	
v.)	
)	
JOHN BRUENS, MARY STEWART,)	
MELISSA VAUGHN, and)	
MARC SIROCKMAN)	
)	
Defendants.)	
)	

**MARC SIROCKMAN’S POST-ACQUITTAL APPLICATION FOR ENTRY OF AN
ORDER DIRECTING THE GOVERNMENT TO DESTROY ALL RECORDS RELATED
TO HIS PROCESSING BY THE UNITED STATES MARSHALS SERVICE**

Marc Sirockman (“Sirockman”) hereby moves this Court for entry of an order directing the government to destroy all records relating to his processing by the United States Marshals Service at the time of his arraignment on May 2, 2005, including records in the possession of the Marshals Service, the FBI, or any other government agency.

On April 14, 2005, Sirockman was charged with one count of conspiracy to violate the Anti-Kickback Statute and two substantive counts of violating that statute. He was arraigned on May 2, 2005, before Magistrate Judge Bowler. On that same day, Sirockman was processed, fingerprinted, and photographed at the United States Marshals Service office in the United States District Courthouse in Boston, Massachusetts. After a nearly three-week trial, Sirockman was acquitted of all charges on May 3, 2007.

In light of his acquittal, the continued existence of the records relating to Sirockman’s processing by the Marshals Service constitutes an “affront on [his] personal dignity,” and as

such, they should be destroyed. United States v. Kalish, 271 F. Supp. 968, 970 (D.P.R. 1967) (ordering the destruction of arrest and identification records, including the fingerprints and photographs, upon concluding that “[t]he preservation of these records constitutes an unwarranted attack upon [an individual’s] character and reputation and violates his right of privacy; it violates his dignity as a human being”). Accordingly, Sirockman respectfully requests that this Court enter an order directing that the arrest records, created as a result of the indictment on charges that the government failed to prove at trial, be destroyed by each and every government agency in possession of such records. See Kalish, 271 F. Supp. at 970 (“[W]hen an accused is acquitted of the crime or when he is discharged without conviction, no public good is accomplished by the retention of criminal identification records”).

MARC SIROCKMAN,

By his attorneys,

/s/ Tracy A. Miner
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Dated: May 22, 2007

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing motion was filed electronically in compliance with ECF procedures on this 22nd day of May 2007.

/s/ Matthew D. Levitt